REMARKS

The Office Action of September 9, 2003 presents the examination of claims 1-9. No amendments to the claims are made herein.

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, for alleged lack of indefiniteness. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The Examiner appears to be confused by the language of the claims, which Applicants submit is clear to the skilled artisan. In particular, the Examiner states that:

> The claims are indefinite in their definition of the B polymer block. Applicant initially defines the B polymer block as being a component selected from polymer blocks (a), (b), and (c) as set forth in claim 1. Applicant then further defines the claimed block polymer as having one or more B polymer blocks consisting of (B-1) through (B-5). Since polymer blocks (a), (b), and (c) differ substantially from polymer blocks (B-1) through (B-5), it is not clear what applicant considers the invention to be.

The Examiner appears to fail to appreciate that the language of claim 1 describes a B-type block in terms of combinations of subunits. The claim thus first describes three compositions of subunits that make up the B type block, as (a), (b) or (c). The claim then sets forth five different combinations of B-type subunits, as (B-1) through (B-5), which thus define different B-type blocks. The various combinations of composition make "clear what applicant considers the invention to be."

Thus, with respect to the "one or more B polymer blocks",

claim 1 of the present application has the following description:

... one or more B polymer blocks selected from the following polymer blocks (a), (b) and (c):
...

wherein said one or more B polymer blocks are comprised of one system selected from the group consisting of (B-1) to (B-5):

(B-1) at least one polymer block (a) and at least one polymer block (b) in combination,

(B-2) at least one polymer block (a) and at least one polymer block (c) in combination,

(B-3) at least one polymer block (a), at least one polymer block (b) and at least one polymer block (c) in combination,

(B-4) at least one polymer block (b) and at least one polymer block (c) in combination, and

(B-5) at least one polymer block (c) alone.

That is, each of polymer blocks (a) to (c) is a polymer block usable as B polymer block of the copolymer of the present invention, whereas (B-1) through (B-5) define the combinations of B polymer subunits (selected from polymer compositions (a), (b) and (c)), which combinations can be used in the copolymer of the present invention. For instance, in the case of a B-type block (B-1), the copolymer of the present invention contains at least one subunit (a) and at least one subunit(c) in combination as B polymer blocks. In the case of (B-5), the B-type block has a simple structure, in that only the subunit (c) is used.

The specification provides some additional examples, for instance at page 23, line 12 to page 25, line 3, which reads as follows:

As examples of block copolymers of the present invention, there can be mentioned linear block copolymers having block configurations represented by the following formulae (1), (2) and (3):

(1) $S-(B-S)_n$,
(2) $S-(B-S)_n-B$ and
(3) $S-(S-B)_{n+1}$.

As further examples of block copolymers of the present invention, there can be mentioned radial block copolymers having block configurations represented by the following formulae (4), (5), (6) and (7):

(4) $((S-B)_k)_{m+2}-X,$
(5) $((S-B)_k-S)_{m+2}-X,$
(6) $((B-S)_k)_{m+2}-X$ and
(7) $((B-S)_k-B)_{m+2}-X$.

In formulae (1) to (7) above, each S independently represents an S polymer block, which has a vinyl aromatic hydrocarbon monomer unit content of at least 70 % by weight.

In formulae (1) to (7) above, each B independently represents a B polymer block. When the above-mentioned one or more B polymer blocks are comprised of any one of the above-mentioned systems (B-1), (B-2), (B-3) and (B-4), the block copolymer of any of formulae (1) to (7) above has two or more different B blocks. As a specific example of block copolymers of formula (1) above, there can be mentioned a block copolymer in which the above-mentioned one or more B polymer blocks are comprised of system (B-1), and n is 2, which is a block copolymer represented by the following formula:

S-B(a)-S-B(b)-S
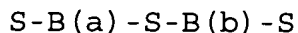
wherein each S independently represents an S polymer block, B(a) represents the above-mentioned polymer block (a), and B(b) represents the above-mentioned polymer block (b) (Emphasis added).

Applicants submit that the language of the claims is perfectly clear to one of ordinary skill in the art. Accordingly, the instant rejection of claims 1-9 should be withdrawn.

The favorable action of allowance of the present claims and passage of the application to issue is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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